

II. REMARKS

A. Status

Claims 1-34 are pending and stand rejected.

The Patent Examiner rejected claims 30, 32, and 33 as being in improper dependent form. (Office Action, page 2) Claims 1, 3-12, 14, 17, 19-26, and 31-34 are rejected under 35 U.S.C. §102(e) as being anticipated by Iatrou. Claims 2 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of Hainfeld. Claims 13, 27, and 28 are under rejected 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of Li. Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of O'Brien. Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of O'Brien and Rather. Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou and Li in view of O'Brien. Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou and Li in view of O'Brien and Rather.

B. Amendments

Claims 30, 32, 33, and 34 have been amended to correct a scrivener's error. No new matter has been added.

C. Rejections Under 35 U.S.C. §102(b)

Claims 1, 3-12, 14, 17, 19-26, and 31-34 are rejected under 35 U.S.C. §102(e) as being anticipated by Iatrou.

For a reference to anticipate a claim, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. That is, a patent is invalid for anticipation only if a single prior art reference discloses each and every limitation

of the claimed invention. *Schering Corporation v. Geneva Pharmaceuticals, Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003).

Iatrou claims priority of U.S. Provisional Patent Application Ser. No. 60/398,341 filed July 23, 2002. Applicants submit herewith a declaration under 17 CFR 1.131 along with written evidence to show that they fully conceived of the invention as claimed before the effective date of the Iatrou reference. Applicants further show that they were diligent in either reducing the invention to practice or in filing a patent application. All factual assertions in the declaration are supported by documentary evidence as attached thereto.

Accordingly, Iatrou is not prior art with respect to claims 1, 3-12, 14, 17, 19-26, and 31-34 under 35 U.S.C. §102(e).

D. Rejections Under 35 U.S.C. §103(a)

Claims 2 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of Hainfeld. Claims 13, 27, and 28 are under rejected 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of Li. Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of O'Brien. Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou in view of O'Brien and Rather. Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou and Li in view of O'Brien. Claim 30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iatrou and Li in view of O'Brien and Rather.

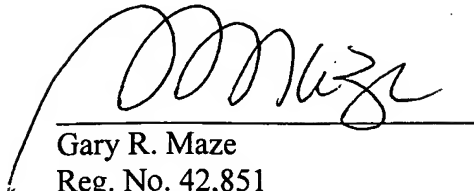
In view of how Iatrou is not prior art, all these claims are not rendered obvious in view of Iatrou.

III. CONCLUSION

Having been traversed, early acceptance of claims 1-34 is respectfully requested.

Respectfully submitted,

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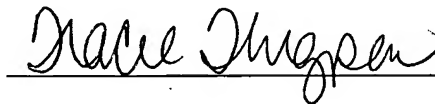
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CERTIFICATE OF MAILING 37 CFR 1.8(a)

I hereby certify that a copy of this document along with any referred to as attached or enclosed is being deposited with the United States Postal Service as First Class mail, postage prepaid in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 17, 2006.



Marie Higgins